



Azerbaijan

Country Reports on Human Rights Practices - [2003](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 25, 2004

Azerbaijan is a republic with a presidential form of government. The Constitution provides for a division of powers between a strong presidency and parliament (Milli Majlis) with the power to approve the budget and impeach the President. The President dominated the executive and legislative branches of Government. Ilham Aliyev was elected President in October in an election marred by numerous, serious irregularities. Parliamentary elections in 2000, 2001, and during the year featured similar irregularities, resulting in some domestic groups regarding the parliament as illegitimate. Opposition members made up only a small minority of the Milli Majlis' 125 deputies. The Constitution provides for an independent judiciary; however, the judiciary did not function independently of the executive branch and was corrupt and inefficient.

The Ministries of Internal Affairs (MIA) and National Security are responsible for internal security and report directly to the President. Civilian authorities maintained effective control of the security forces. Members of the security forces committed numerous human rights abuses.

The Government continued to affirm its commitment to develop a market economy, but economic reform continued to be slow. According to official figures, the population was approximately 8 million, of which an estimated 2 million lived and worked abroad. Widespread corruption and patronage reduced competition, and the slow pace of reform limited development outside the oil and gas sector, which accounted for more than 90 percent of export revenues. Despite the privatization of 98 percent of farmland, commercial agriculture remained weak and subsistence farming dominated the rural economy. The GDP growth rate was 11.2 percent. Poverty nationwide has decreased, but 49 percent of the population still lived below the poverty level. Estimates of unemployment ranged from 15 to 20 percent.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. The Government continued to restrict citizens' ability to change their government peacefully. Law enforcement officers killed one person at a post-election demonstration on October 16 that turned violent. Police tortured and beat persons in custody, including several opposition members, and used excessive force to extract confessions. In most cases, the Government took no action to punish abusers, although the Government reportedly took disciplinary action against more than 200 police officers. Prison conditions remained harsh and life threatening, and some prisoners died as a result of these conditions. Arbitrary arrest and detention and lengthy pretrial detention continued to be problems. After the election, authorities conducted a wave of politically motivated detentions and arrests of more than 700 election officials, opposition members, and journalists; more than 100 remained in custody at year's end. The Government continued to hold many political prisoners and infringed on citizens' privacy rights.

The Government continued to restrict some freedom of speech and of the press, and police used excessive force and continued to harass journalists during the year. Government officials sued journalists for defamation. The Government restricted freedom of assembly and forcibly dispersed several demonstrations held without a permit, and law enforcement officers beat protestors at several demonstrations during the year. The Government continued to restrict freedom of association by refusing to register some political parties and harassing domestic human rights activists and nongovernmental organizations (NGOs). There were some restrictions and abuses of religious freedom, and lower-level and local government officials continued to harass some "nontraditional" religious groups. Violence against women, societal discrimination against women and certain ethnic minorities, and limitations of some worker rights remained problems. Trafficking in persons was a problem.

Despite a cease-fire in effect since 1994, minor outbreaks of fighting with Armenia over Nagorno-Karabakh occurred during the year, resulting in the deaths of civilians and combatants. Armenian forces continued to occupy

an estimated 16 percent of Azerbaijan's territory (including Nagorno-Karabakh); this fact continued to dominate national politics and undermine democratic and economic development. The Government did not exercise any control over developments in the territories occupied by Armenian forces, and little verifiable information was available on the human rights situation there. Approximately 800,000 Azerbaijani refugees and internally displaced persons (IDPs) left or were forced from their homes in the occupied territories and Armenia.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings by the Government or its agents; however, law enforcement officers beat one person to death at a post-election demonstration on October 16 that turned violent (see Section 2.b.). Some detainees and prison inmates died, in part as a result of mistreatment by law enforcement personnel and harsh prison conditions. Authorities did not prosecute suspects in these cases (see Section 1.d.).

There was no investigation into the 2002 death of Beylar Kuliyeu, who jumped to his death from a window in the General Prosecutor's office following 10 days' imprisonment and interrogation. The Government reported that it closed the criminal case in June 2002, since a forensic examination indicated all bodily injuries resulted from a fall.

The police officer accused of killing Ilgar Javadov in 2001 was convicted in March 2002 and sentenced to 5 years in prison.

During the year, a number of deaths occurred among army conscripts, in which hazing of the victims was suspected. According to press reports, 15 army conscripts died in 2002.

Occasional cease-fire violations by both sides in the conflict with Armenia over Nagorno-Karabakh resulted in 13 deaths and some injuries to both civilians and soldiers during the year.

According to the National Agency for Mine Actions, landmines killed 15 persons and injured 14 during the year.

During the year, the Government suspended the investigation into the 2001 killing of a senior Chechen military commander, having determined that two Chechen nationals killed him and were fugitives.

b. Disappearance

There were no reports of politically motivated disappearances.

The International Committee of the Red Cross (ICRC) repeatedly urged the Azerbaijani and Armenian Governments to provide information on the fate of those missing in action since the fighting over Nagorno-Karabakh began. Since the early 1990s, the ICRC has collected from concerned family members the names of approximately 2,300 missing Azerbaijani citizens allegedly held by Armenia. The Government estimated the number to be closer to 4,922.

Since June 2002, ICRC assisted in the repatriation of six Azerbaijani citizens and three Armenian citizens, at the request of both governments.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment

The Criminal Code prohibits such practices and provides for up to 10 years' imprisonment for violators; however, there were credible reports that security forces continued to torture inmates and used excessive force to extract confessions. Police beat prisoners during arrest, interrogation, and pretrial detention.

Security officers forcibly disrupted some demonstrations and in some cases harassed, beat, and detained some opposition party members, demonstrators, and journalists, causing injuries, and arrested several persons, whom they sometimes beat in detention (see Sections 2.a. and 2.b.). Following violent disturbances in Baku on October 16, Interior Ministry personnel detained and tortured several opposition leaders. There were credible reports that security personnel beat and tortured Hope Party Chairman Iqbal Agazade, Azerbaijan Democratic Party Secretary

General Sardar Jalaloglu, and Azerbaijan Party election secretary Natiq Jabiyev (see Section 3). Human Rights Watch (HRW) documented numerous cases in which members of the MIA's organized crime unit used electric shock, severe beatings, and threats of rape to torture detainees. According to HRW, police used severe beatings and torture to extract confessions, and to pressure detainees to sign false statements denouncing the opposition and implicating opposition leaders in the post-election violence.

Police at times beat and harassed members of certain religious groups (see Section 2.c.).

After clashes in Nardaran in June 2002 between protesters and police, authorities detained and, his lawyer alleged, beat Haji Jubrail Alizade (see Sections 1.e. and 2.b.).

Conditions in prisons, which the Ministry of Justice (MOJ) managed, remained harsh and sometimes life threatening. Overcrowding and poor medical care combined to make the spread of infectious diseases a serious problem. Tuberculosis (TB) continued to be the primary cause of death in prisons. By year's end, approximately 800 detainees were undergoing treatment for TB, according to the Government. Due to the absence of systematic screening in prisons, patients often started treatment when already seriously ill. There were widespread and credible reports that authorities withheld medical treatment from selected inmates, particularly political prisoners.

Prisoners had to rely on their families to provide food and medicine, and bribes generally were required for families to gain access to imprisoned relatives. Authorities severely limited lawyer and family visits and exercise in maximum security prisons. Some pretrial detainees were kept in "separation cells" often located in basements, in which food and sleep reportedly were denied to elicit confessions with no physical evidence of abuse. There were separate facilities for men and women, juveniles and adults, and pretrial detainees and convicts. Deaths of inmates occurred, in part due to harsh conditions and in some cases due to mistreatment by law enforcement personnel.

During the year, the Government undertook a program to improve conditions in prisons; they remodeled some and built five new prisons.

The ICRC has had access to all prisons since June 2000; and in 2002 the Government extended its agreement on access to all places and to all detainees, both sentenced and unsentenced. The ICRC has had access to prisoners of war (POWs) and civilians held in relation to the conflict over Nagorno-Karabakh. Foreign observers regularly received permission to enter maximum security prisons to meet with alleged political prisoners. During the year, one domestic human rights organization reported that authorities restricted their access to police stations and detention centers, though not prisons.

d. Arbitrary Arrest, Detention or Exile

The Constitution prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were problems.

The MIA and Ministry of National Security are responsible for internal security and report directly to the President. The MIA oversees the local police forces in Baku and in the regions; it also maintains internal troops trained in civil defense. The Ministry of National Security has a separate security force.

In most cases, the Government took no action to punish abusers, although the Government reported that it took disciplinary action, including dismissals, against more than 200 police officers for the violation of human rights and civil liberties during the year. By year's end, the Government did not arrest any police officers or announce the results of an investigation of police in connection with a clash with journalists and opposition activists on September 8. The Government also did not arrest or announce the findings of an investigation of police in connection with violent disturbances in Baku on October 15 and 16, during which several police officers and demonstrators were injured and one demonstrator was killed. The Government did not undertake investigations or punitive action against those named in the HRW report that documented numerous cases of torture and abuse of post-election opposition detainees by the MIA's Organized Crime Department, which reports directly to the Minister. Low wages throughout the police and law-enforcement community contributed to the general problem of police corruption, which mainly consisted of informal "fines" for traffic and other violations and the payment of protection fees to neighborhood police.

Authorities often arbitrarily arrested and detained persons without legal warrants. Police may detain and question persons for 3 hours without a warrant. The Constitution states that persons detained, arrested, or accused of a crime should be advised immediately about their rights, reasons for arrest, and the institution of criminal proceedings against them; however, authorities often did not inform detainees of the charges against them. The Constitution provides for access to a lawyer from the time of detention; however, access to lawyers was poor,

particularly outside of Baku. Authorities often restricted family visitations and withheld information from detainees' family members; frequently, days passed before relatives were able to obtain information. Bail commonly was denied, and lengthy pretrial detention was a serious problem.

Members of opposition parties and their families were more likely to experience arbitrary arrest and detention than other citizens. Police forcibly disrupted unsanctioned protests and detained participants, opposition party activists, and journalists after several demonstrations throughout the year (see Sections 1.c. and 2.b.). Following violent demonstrations in Baku after the October election, police detained more than 700 persons across the country. Most of those detained were members of opposition parties, primarily the Musavat Party. Approximately 120 members of opposition parties remained in detention at year's end, during a court ordered 3-month investigation. During the year, Musavat Party reported that close to 800 of its members were detained for short periods (3 to 15 days), and the Azerbaijan Democratic Party (ADP) claimed more than 700 members had been briefly detained. On October 27, police arrested Rauf Arifoglu, Deputy Chairman of the Musavat Party and Chief Editor of the New Musavat newspaper, for his alleged involvement in post-election demonstrations; he remained in detention at year's end pending investigation of his activities in the party. The Popular Front and Azerbaijan National Independence (AMIP) parties each reported that approximately 100 members had been detained for 1 to 15 days on administrative charges. At year's end, 4 to 6 members of the Popular Front party remained in jail. Popular Front Party chairman Ali Karimli's cousin, Ingilab Karimov, was arrested in July for hooliganism and given 3 years' conditional release in September.

Five relatives of former parliamentary speaker and ADP leader Rasul Guliyev, who were convicted for various alleged crimes related to corruption allegations against Guliyev during his parliamentary membership, remained in jail at year's end. Police also continued to harass several other Guliyev associates and ADP figures. On September 5, authorities detained ADP Secretary Taliyat Aliyev and held him for 7 days in the counter-terrorism and organized crime unit of the MIA on charges of stockpiling weapons with intent to overthrow the Government. Authorities in the same division detained Eldar Guliyev, a member of the AMAL movement, from September 3 to 6 on charges of verbally insulting the police, and Deputy Chairman of the Umid ("Hope") Party Habil Rzayev from September 6 to 11, during which time he said police physically and emotionally tortured him without due process, notification of his family, or access to a lawyer. Rzayev was outspoken on human rights issues as the leader of the People's Defense Committee.

On December 1, authorities arrested Ilgar Ibrahimoglu, the Imam of the independent Juma Mosque and a human rights activist with the Center for Protection of Conscience and Religious Persuasion Freedom (DEVAMM), allegedly in connection with the violent demonstration on October 16; he remained in custody at year's end (see Sections 2.c. and 4).

Chechens residing in the country reported some arbitrary detentions during the year (see Sections 2.d.).

After a court convicted and sentenced 15 residents of Nardaran arrested in connection with the 2002 protests over living conditions, all were released from custody by year's end (see Sections 1.e. and 2.b.).

During the year, a total of three POWs were released, one from Azerbaijan and two from Armenia.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of a Fair and Public Trial

The Constitution provides for an independent judiciary; however, in practice, judges did not function independently of the executive branch, and the judiciary was widely believed to be corrupt and inefficient.

Judges preside over and direct trials. The President appoints Supreme and Constitutional Court judges, whom Parliament confirms. The President appoints lower-level judges without confirmation. Qualifying exams for judges were administered periodically as part of a judicial reform effort; however, credible allegations persisted that judgeships were bought and sold. Low salaries for judges and lawyers increased the incentives for bribe taking and undermined the rule of law. The Government organizes prosecutors into offices at the district, municipal, and republic level. They are responsible to the Minister of Justice, appointed by the President, and confirmed by Parliament.

Courts of general jurisdiction may hear criminal, civil, and juvenile cases. District and municipal courts try the overwhelming ma